

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT
HYDERABAD**

**THURSDAY, THE THIRTY FIRST DAY OF MARCH,
TWO THOUSAND AND FIVE**

PRESENT

**HON'BLE SRI DEVINDER GUPTA,
CHIEF JUSTICE**

AND

HON'BLE SRI JUSTICE C.V. RAMULU.

W.A.NOS.731, 732, 733 AND 734 OF 2005.

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W.A.NO. 731 OF 2005:

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(Writ Appeal under Clause 15 of the Letters Patent against the order dated 24.02.2005 in W.P.No.3411 of 2005 on the file of the High Court)

BETWEEN:

Transmission Corporation of Andhra Pradesh Ltd.,

Vidyut Soudha, Hyderabad,

Rep. By its Chairman & Managing Director.

..... APPELLANT

AND

1. Perpetual Energy Systems Limited,
3-5-821, Flat No.104, Doshi Square,
Hyderguda, Hyderabad, rep. By its
Director Sri K.Ramakoteswara Rao,
S/o Peraiah, R/o Himayathnagar,
Hyderabad.
2. Andhra Pradesh Electricity Regulatory
Commission, Singareni Bhavan, Red Hills,
Hyderabad, rep. By its Chairman.

..... RESPONDENTS.

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W.A.NO. 732 OF 2005:

(Writ Appeal under Clause 15 of the Letters Patent against the order dated 24.02.2005 in W.P.No.3435 of 2005 on the file of the High Court)

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BETWEEN:

Transmission Corporation of Andhra Pradesh Ltd.,
Vidyut Soudha, Hyderabad,

Rep. By its Chairman & Managing Director.

..... APPELLANT

AND

1. B. Seenaiiah & company (Projects) Limited,
6-2-913/914, 5th Floor, Progressive Towers,
Khairatabad, Hyderabad, rep. By its
Vice President-Finance & Projects,
Sri Rajesh S. Udupa, S/o K.Venkataramana,
R/o Anandnagar Colony, Hyderabad.
2. Andhra Pradesh Electricity Regulatory
Commission, Singareni Bhavan, Red Hills,
Hyderabad, rep. By its Chairman.

..... RESPONDENTS.

W.A.NO. 733 OF 2005:

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(Writ Appeal under Clause 15 of the Letters Patent against the order dated 22.02.2005 in W.P.No.1816 of 2005 on the file of the High Court)

BETWEEN:

Transmission Corporation of Andhra Pradesh Ltd.,
Vidyut Soudha, Hyderabad,
Rep. By its Chairman & Managing Director.

..... APPELLANT

AND

1. Rithwik Energy Systems Limited,

Lanco House, 141 Avenue 8, Road No.2,

Banjara Hills, Hyderabad – 500 034,

Rep. By its jDirector Sri R.S.Srinivas,

S/o R.Somasundara Rao, aged 44 years,

R/o Lakshmi Sri Villa, Road No.2 & 8,

Jubilee Hills, Hyderabad – 500 033.
2. Andhra Pradesh Electricity Regulatory

Commission, Singareni Bhavan, Red Hills,

Hyderabad, rep. By its Chairman.

..... RESPONDENTS.

W.A.NO. 734 OF 2005:

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(Writ Appeal under Clause 15 of the Letters Patent against the order dated 24.02.2005 in W.P.No.3410 of 2005 on the file of the High Court)

BETWEEN:

Transmission Corporation of Andhra Pradesh Ltd.,

Vidyut Soudha, Hyderabad,

Rep. By its Chairman & Managing Director.

..... APPELLANT

AND

1. Indur Green Power Private Limited,
3-5-821, 1st floor, 104 Doshi Square,
Hyderguda, Hyderabad, rep. By its Director,
Sri B. Appa Rao, S/o Chenna Keshava Rao,
R/o Gandhinagar, Hyderabad.
2. Andhra Pradesh Electricity Regulatory
Commission, Singareni Bhavan, Red Hills,
Hyderabad, rep. By its Chairman.

..... RESPONDENTS

Counsel for the appellant : Mr. T.Ananta Babu, for Mr.N.Jaya Surya.

Counsel for the respondent No.1 : Mr. Katragadda Gopal Choudary.

Counsel for the respondent No.2: Mr. P. Sri Raghuram.

The Court Made the Following:

ORAL JUDGMENT:

(per Hon'ble The Chief Justice)

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1. These four writ appeals have been preferred against four separate orders allowing the writ petitions as prayed for with direction to 1st respondent in the writ petitions, who are the appellants herein, that in case the appellants herein intend to modify any terms of the existing contract, such modification shall be effected either through mutual consent, or by initiating proceedings before appropriate Court of law.

2. We will not go into the merits of the case as to whether or not or had or had not a good case is made out to have allowed the writ petitions, but we are on the propriety of spontaneously deciding the writ petitions on the very first day when they have come up for consideration before the Court.

3. The record reveals that on 23.02.2005 Writ Petition Nos. 3411 and 3435 of 2005 are permitted to be filed in Court, which were preferred on 21.02.2005, on 04.02.20045 W.P.No.1816 of 2005 was permitted to be filed in Court, which was preferred on 02.02.2005 and on 23.02.2005 W.P.No.3410 of 2005 was permitted to be filed in Court, which was preferred on 21.02.2005. The writ petitions came up before the Court for consideration as to whether Rule Nisi deserves to be issued or not. On the very first day writ petitions were allowed by the order impugned in these appeals without even affording an opportunity to the respondents to respond to the writ affidavits. It appears that the learned single Judge was swayed by whatever being stated by the writ petitioner in the affidavits. Obviously when writ petitions were instituted, advance copy would have served upon the respondents – appellants through their Standing Counsel, and when writ petitions came up for consideration before the Court, no opportunity was afforded to the opposite party to obtain appropriate instructions in the matter.

4 . Any order passed by the Court without affording an opportunity to the respondents in the writ petitions of filing their counter obviously will have to be set aside as it is contrary to the very basic principles of natural justice and for that reason alone, writ appeals are liable to be allowed and order impugned in the appeals deserves to be set aside. Accordingly, the writ appeals are allowed. Orders impugned in the writ appeals are set aside. Writ petitions are directed to be heard and decided afresh on merits. It is represented by the learned counsel for the appellants that counter-affidavits in the writ petitions drafted subsequent to the decision rendered in the writ petitions have been annexed in the writ appeals. The same may be taken as having been filed in the writ petitions. Registry to ensure that counter-affidavits to the writ petitions, which are annexed to the writ appeals, be placed on record of the writ petitions. Writ petitions be posted before the appropriate Bench on 11.04.2005. No costs.

DEVINDER GUPTA. C.J.,

B. SESHASAYANA REDDY. J.,

Dated: 31.03.2005.

VRK.

To

1. The Chairman & Managing Director,
Transmission Corporation of Andhra Pradesh Ltd.,
Vidyut Soudha, Hyderabad.
2. The Chairman, Andhra Pradesh Electricity Regulatory
Commission, Singareni Bhavan, Red Hills,
Hyderabad.
3. Two CD copies.
4. One copy to Section Officer, Writ Filing Section, High
Court of A.P., Hyderabad.

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE B. SESHASAYANA REDDY.

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W.A.Nos. 731, 732, 733 & 734 OF 2005.

**(Judgment of the Bench delivered by
Hon'ble The Chief Justice)**

Dt: 31.03.2005.

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